

# CITY COUNCIL REPORT



MEETING DATE: October 4, 2005

ITEM NO. 8 GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**X Lofts - 52-ZN-1997#4**

## REQUEST

Request:

1. To amend development standards to case 52-ZN-1997#3 on a 1.43 +/- acre parcel located at 7044, 7050, 7106, 7116 & 7126 E Osborn Road with Downtown/Office Commercial Type 2 District, Planned Block Development, Downtown Overlay (D/OC-2 PBD DO) zoning.
2. To adopt Ordinance No. 3639 affirming the above amended development standards.

### Key Items for Consideration:

- Site development standard modification consistent with other larger residential projects approved in the Downtown.
- Planning Commission recommended approval, 6-0.

### Related Policies, References:

52-ZN-1997, 52-ZN-1997#2, and 52-ZN-1997#3

## OWNER

Osborn II Investors LLC  
480-767-3162

## APPLICANT CONTACT

Steve Davidson  
Osborn Common Investors  
480-860-5224

## LOCATION

7044, 7050, 7106, 7116 & 7126 E Osborn

## BACKGROUND

### Zoning.

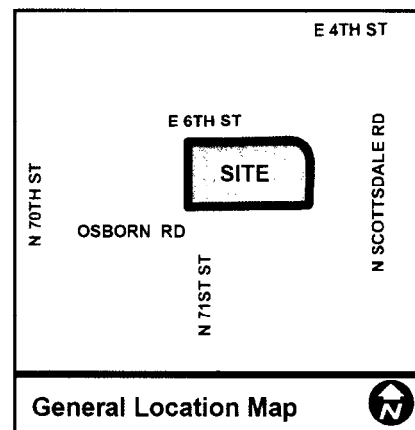
The site is currently zoned Downtown/Office Commercial, Type 2, Planned Block Overlay, Downtown Overlay, (D/OC-2, PBD, DO). This district permits multi-family residential housing units and the Planned Block Development (PBD) allows for development standards to be modified with City Council approval.

### General Plan.

The Downtown Plan Land Use Element designates the property as Office Commercial, Type 2. This category encourages a mixture of uses including residential.

### Context.

The site is located in the southern portion of Downtown, 250 feet west of the



northwest corner of Scottsdale and Osborn Roads. Currently the site is vacant with no improvements, all previous buildings have been torn down. The five parcels that create the site are bordered by 6<sup>th</sup> Street on the north, Osborn Road on the south and Bishop Lane on the east. The site is completely surrounded by Highway Commercial District (C-3) zoned properties. They are as follows:

- North: Staples and Homestead Studio Suites (beyond 6<sup>th</sup> Street)
- East: Walgreen's (beyond Bishop Lane)
- South: Olive Garden and First Baptist Church (beyond Osborn Road)
- West: two small one-story office buildings (adjacent)

**History.**

Two parcels (7116 and 7126 Osborn Road) 1.28 +/- acres, located at the northwest corner of Osborn Road and Bishop Lane were rezoned to Downtown/Office Commercial, Type 2 on March 17, 1998 by the City Council. At the time of zoning, the case (52-ZN-1997) also approved a site plan that included a 78-unit hotel. On August 26, 2003, the City Council approved a site plan amendment to the 1.28 +/- acres (net) parcel with case 52-ZN-1997#2. With this case the site plan replaced the 78 hotel units with 48 residential units in a 50-foot high building instead of a 47 foot high building. On May 17, 2005 the City Council approved case 52-ZN-1997#3, which: added three more parcels totaling 1.34 +/- acres (7044, 7050, and 7106 Osborn Road) to the site; rezoned the three parcels to the Downtown zoning district; modified the site plan to add 34 more residential units; and added the Planned Block Overlay to all five parcels.

The applicant's PBD Addendum Justification Narrative (see Attachment #7) describes in detail why the standard is being modified.

**APPLICANT'S  
PROPOSAL****Goal/Purpose of Request.**

The applicant requests to modify one Site Development Standard found in Schedule B of the Downtown District. The site is zoned Planned Block Development (PBD) which allows the City Council to approve a modification to the Site Development Standards. The applicant's request is to modify the following standard: *"Encroachments Beyond Inclined Stepbacks – A maximum encroachment of 15 ft. is permitted on a maximum of 25% of the length of an elevation"*.

Therefore, the applicant is allowed to break the incline setback plane by not more than 15 feet (vertically or horizontally) on 25% of the length of the elevation. Attachment #8 shows the all four elevations breaking the incline setback by not more than 15 feet on 25% of the building length of the elevation.

Along the Bishop Street elevation (east) and interior lot elevation (west) the applicant proposes to increase the maximum 25 % of the length of the elevation to a maximum of 44% of the length of the elevation. This is an increase of 19%. Along the Osborn Road elevation (south) and the 6<sup>th</sup> Street elevation (north) the applicant proposes to increase the maximum 25 % of the length of the elevation to a maximum of 33% of the length of the elevation. This is an increase of 8%. All four elevations do not break the incline setback plane by more than 15 feet, therefore; still meet that portion of the

development standard. Attachment #9 shows the elevations breaking the plane by 44% (east and west) and by 33% (north and south) rather than the allowed 25%.

**Development information.**

- *Existing Use:* vacant land
- *Proposed Use:* 82 multi-family residential units
- *Parcel Size:* 2.71 acres (net)
- *Building Height Allowed:* 50 ft.
- *Proposed Building Height:* 50 ft.
- *Allowed Floor Area Ratio:* 1.20 FAR
- *Proposed Floor Area Ratio:* 1.18 FAR

**IMPACT ANALYSIS**

**Planned Block Development (PBD) Standards Amendment:**

The Site Development Standards are designed to assure that small and moderate scale developments fit into the established urban pattern of Downtown Scottsdale. The PBD amendment procedure allows standards to be modified to accommodate larger scaled projects, such as major residential projects, corporate office buildings, and shopping malls. With the previous zoning case (52-ZN-1997#3) the City Council approved the amendment of the development standard; *“Maximum building height shall not exceed 38 ft. within 300 ft. of an R-1 district”*.

**Policy Implications and Community Impact.**

This application is in keeping with the Downtown Design Guidelines. The Downtown Guidelines specify that buildings be closer to the streets they adjoin than buildings in suburban-style developments and reduce its perceived height and bulk by dividing the building mass into smaller components and creating changes in the wall planes. The proposed site will have building facades along all three adjacent streets (Bishop Lane, Osborn Road, and 6<sup>th</sup> Street) with varied wall planes and building heights. This design will help break up the mass of the building and create more visual interest for pedestrians passing the site. The request is consistent with other larger residential projects in the Downtown that have amended site development standards.

**Community Involvement.**

The applicant has posted a sign on the site and the City of Scottsdale has sent post cards to all property owners within 750 feet of the site indicating the request to amend one development standard. At the time of writing this report, Staff received one phone call from the public regarding this application. The caller asked general information regarding the site development standards and specifically which one was proposed to be modified.

**OTHER BOARDS AND  
COMMISSIONS****Development Review Board**

The Development Review Board will be reviewing the request for the amended development standard on September 22, 2005. At that time they will be making a recommendation to the City Council. Staff will send the City Council a supplement memo with their recommendation following the Development Review Board hearing.

**Planning Commission.**

The Planning Commission heard this case on August 24, 2005. No one from the public, nor any of the Planning Commissioners had any comments. This case was on the expedited agenda and the Planning Commission recommended approval, 6-0.

**STAFF  
RECOMMENDATION****Recommended Approach:**

Staff recommends approval, subject to the attached stipulations and subject to the Development Review Board recommendation on September 22, 2005.

**RESPONSIBLE  
DEPT(S)**


**Planning and Development Services Department**  
Current Planning Services

**STAFF CONTACT(S)**

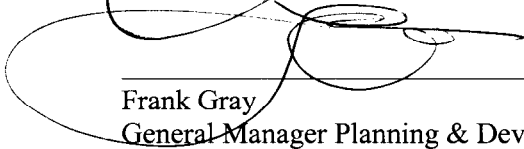
Bill Verschuren  
Senior Planner  
480-312-7734  
E-mail:  
[bverschuren@ScottsdaleAZ.gov](mailto:bverschuren@ScottsdaleAZ.gov)

Randy Grant  
Chief Planning Officer  
480-312-7995  
E-mail: [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov)

**APPROVED BY**

  
Randy Grant  
Chief Planning Officer

9/16/05  
Date

  
Frank Gray  
General Manager Planning & Development Services

9.16.05  
Date

  
Ed Gawf  
Deputy City Manager

9/16/05  
Date

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Ordinance No. 3639
6. City Notification Map
7. PBD Addendum Justification Narrative
8. Elevations showing no amended incline setback encroachment
9. Elevations showing the amended incline setback encroachment
10. August 24, 2005 Planning Commission Minutes



# Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: \_\_\_\_\_

Project No.: \_\_\_\_\_ - PA - \_\_\_\_\_

Coordinator: \_\_\_\_\_

Case No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Project Name: \_\_\_\_\_

**Project Location:** \_\_\_\_\_

## Property Details:

☐ Single-Family Residential    ☒ Multi-Family Residential    ☐ Commercial    ☐ Industrial

Current Zoning: D/OC-2 w/ FBD OVERLAY

Proposed Zoning: SAME

Number of Buildings: 3 TOTAL <sup>1- RESIDENTIAL</sup> <sub>1- CLUBHOUSE</sub> <sub>1- EXERCISE</sub>

Parcel Size: 2.61 ACRES NET / 3.55 AC GROSS

Gross Floor Area/Total Units: 134,349 SF / B2

Floor Area Ratio/Density: 1.18 FAR

Parking Required: 123 SPACES

Parking Provided: 160 SPACES

Setbacks:    N - 20'    S - 20'    E - 20'    W - NO. MIN.

## Description of Request:

**Inclined Stepback Plane Definition:** An imaginary plane sloping inward on the site from a specified height on the building setback, which together with the building setback and the height limit defines the allowable building envelope. [Section 5.3010]

**Allowable Encroachment into Inclined Stepback Plane:** Schedule B of Section 5.3060 states that "A max. vertical encroachment of 15 ft. is permitted on a maximum of 25% of the length of an elevation"

**Modification:** We are proposing to modify Schedule B to allow a maximum vertical encroachment of 15 ft. to be permitted on a maximum of 33% of the length of an elevation on the Osborn and 6<sup>th</sup> Street Elevations (8% increase) and a maximum of 44% of the length of an elevation on the West and Bishop Lane Elevations (19% increase).

## Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



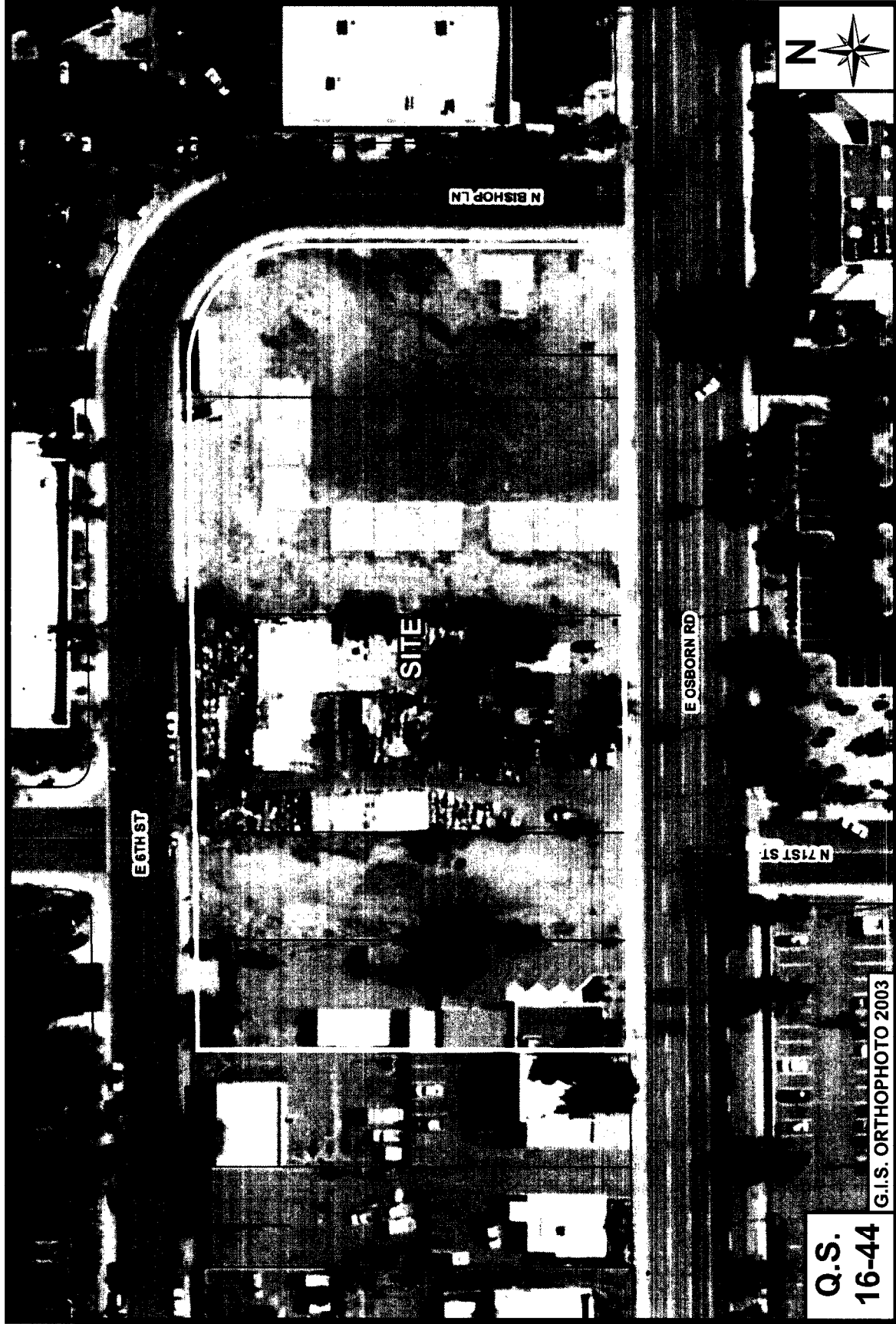
52-ZN-1997#4

X Lofts

ATTACHMENT #2

Q.S.  
16-44

G.I.S. ORTHOPHOTO 2003



Q.S.  
16-44

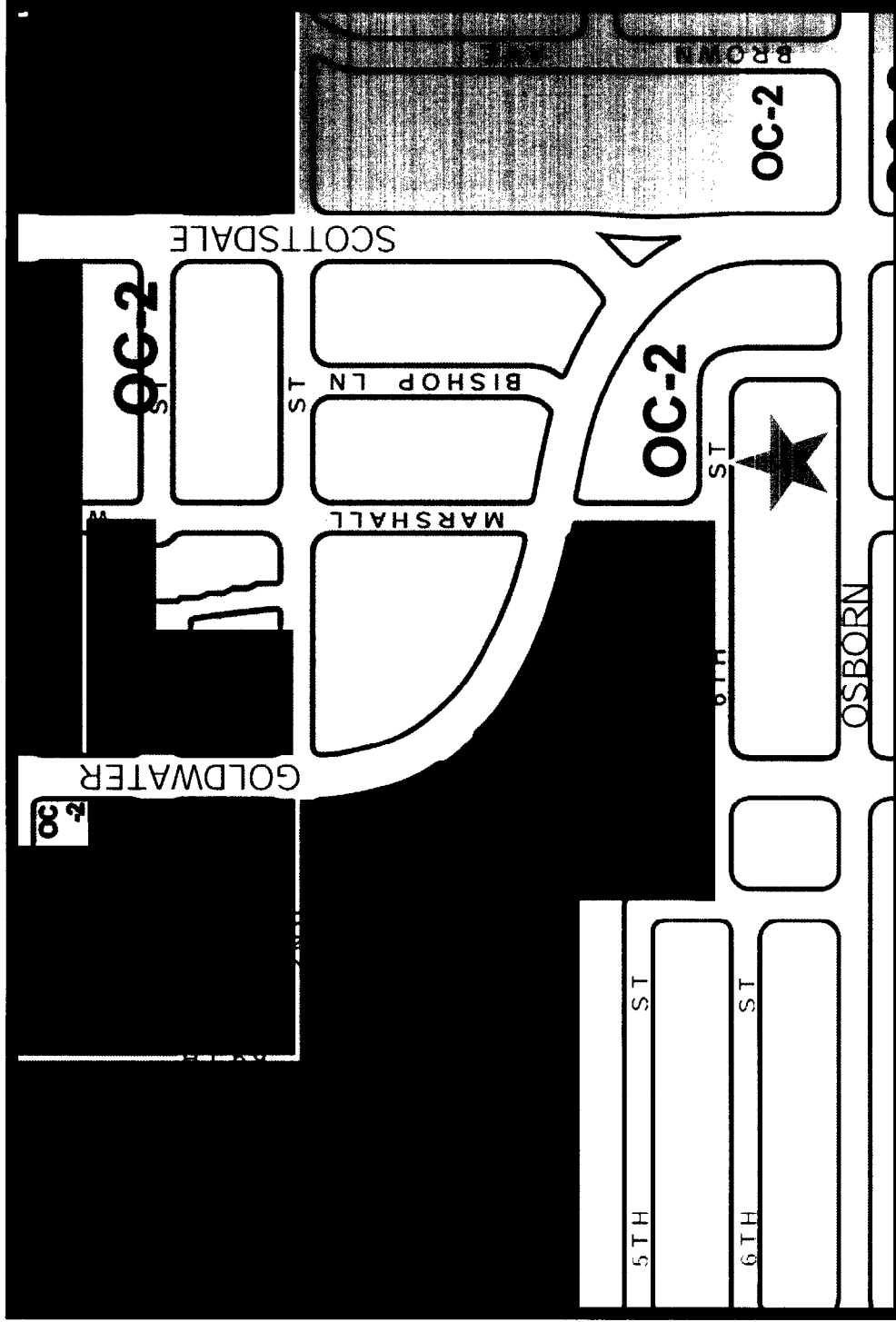
X Lofts

52-ZN-1997#4

ATTACHMENT #2A



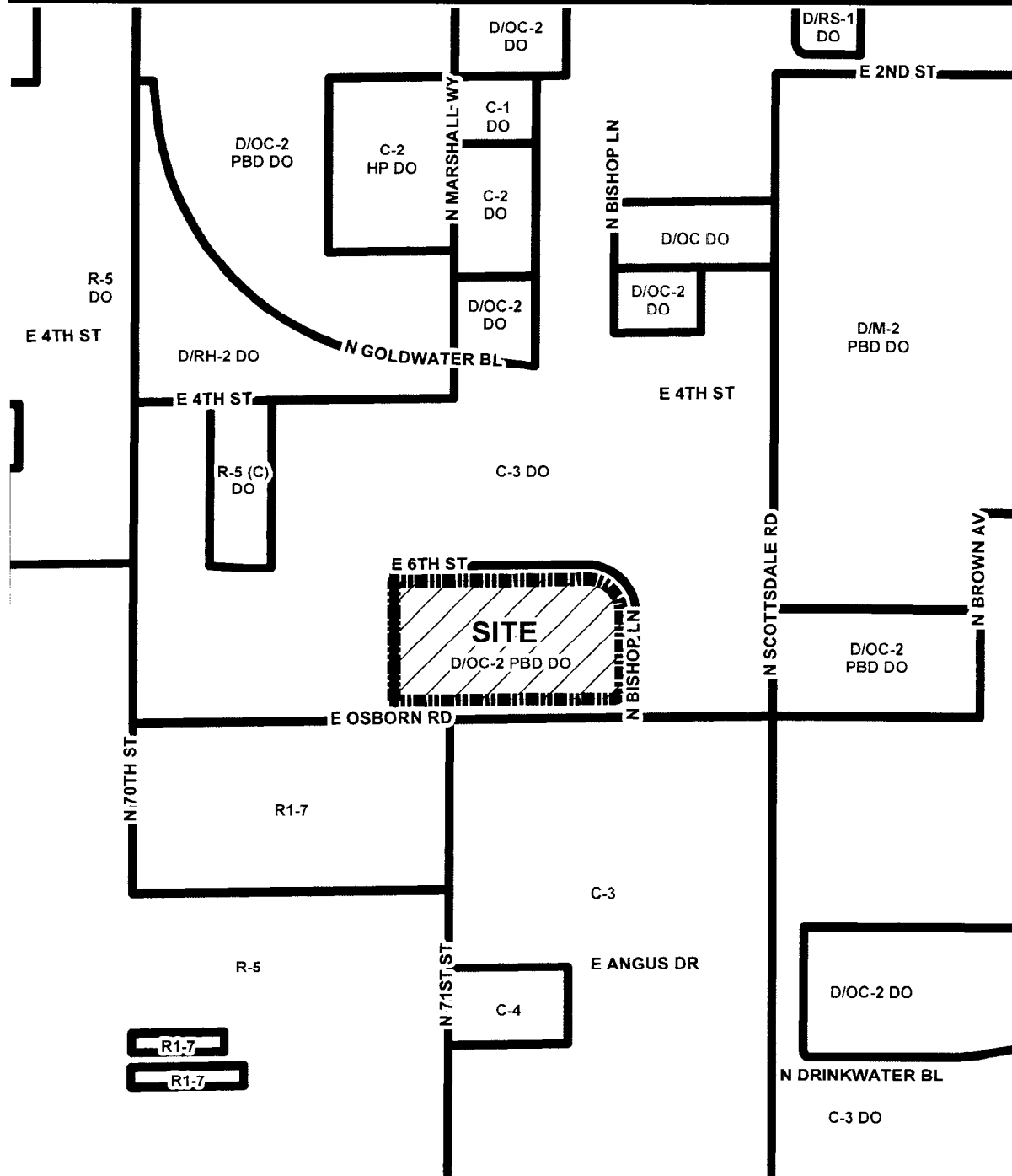
# Downtown General Plan



- Retail Specialty
- Office Commercial
- Civic Center
- Office Residential
- Residential/Hotel
- Regional Commercial/Office
- Residential High Density
- Medical

52-ZN-1997#4  
ATTACHMENT #3

Modify development standards (encroachments beyond inclined setback plane)



52-ZN-1997#4

ATTACHMENT #4



ORDINANCE NO. 3639

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF AMENDING DEVELOPMENT STANDARDS AS APPROVED IN CASE NO. 52-ZN-1997#4, ON PROPERTY LOCATED AT 7044, 7050, 7106, 7116 & 7126 E OSBORN ROAD.

WHEREAS, Planning Commission and City Council have held public hearings and considered Case No. 52-ZN-1997#4; and

WHEREAS, the Council of the City of Scottsdale wishes to amend the development standards as described in the aforementioned case;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the Council of the City of Scottsdale approves the following amended development standards for case number 52-ZN-1997 #4:

Modify the Zoning Ordinance of the City of Scottsdale, Sec. 5.3060, Site development standards, Schedule B III, Building Design Requirements, 7, Encroachment Beyond Inclined Stepback Plane, to permit a maximum vertical encroachment of 15 ft. on:

- a maximum length of 33% of an elevation on the Osborn Road and 6<sup>th</sup> Street elevations (8% increase in the length of an elevation); and
- a maximum length of 44% of an elevation on the west of the site and Bishop Lane elevations (19% increase in length of an elevation).

Section 2. All stipulations of case number 52-ZN-1997#3 shall remain in full force and effect.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 4th day of October, 2005.

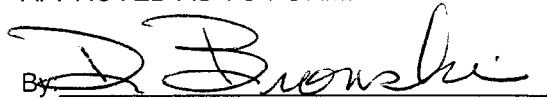
ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

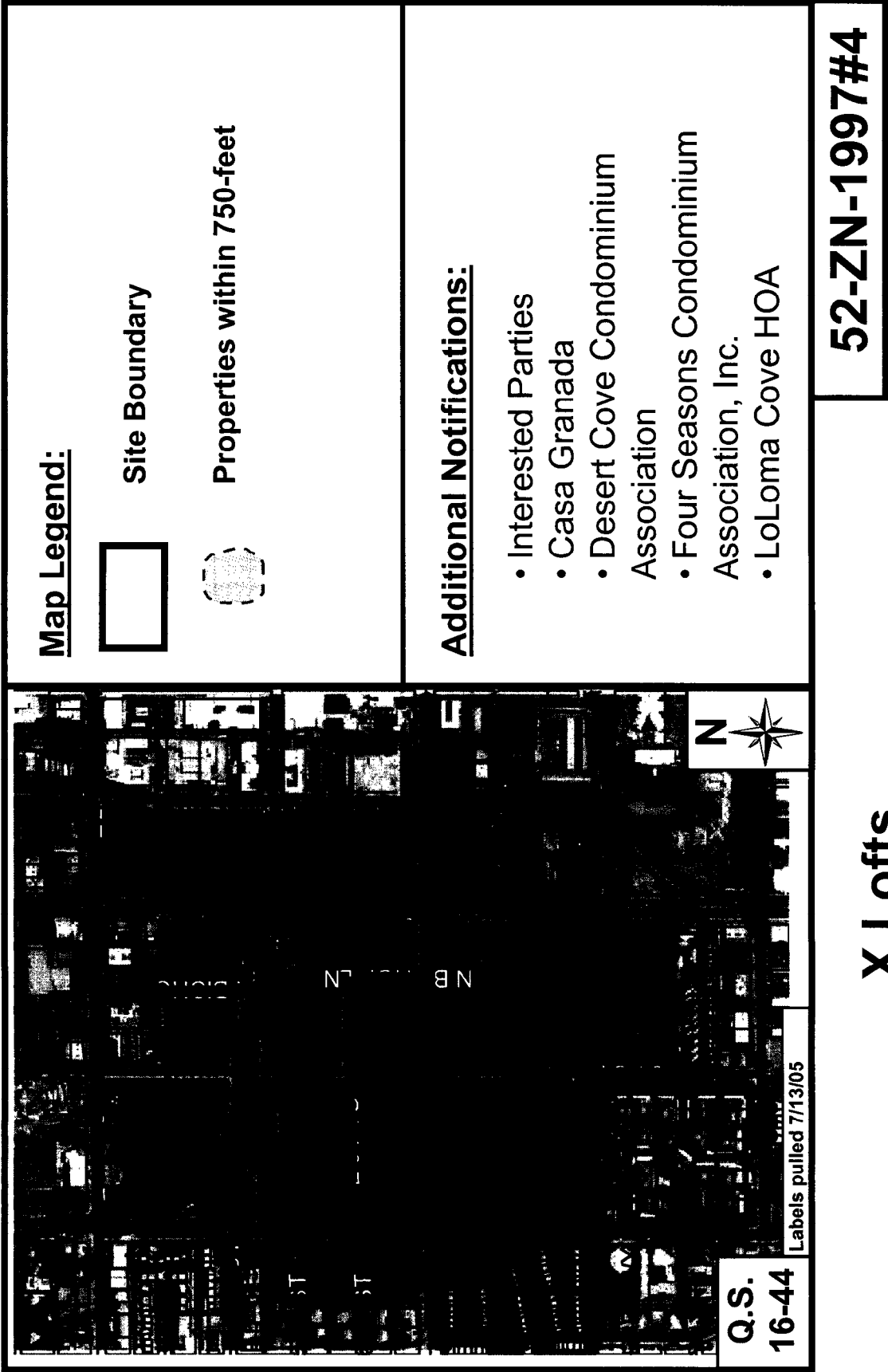
By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By:   
Deborah Robberson  
Acting City Attorney

ATTACHMENT 5

City Notifications – Mailing List Selection Map



## **PBD Addendum Justification Narrative**

**Applicant:** Grace Communities  
**Contact:** Steve Davidson 480-860-5224  
**RE:** 52-ZN-1997#4 – X Lofts

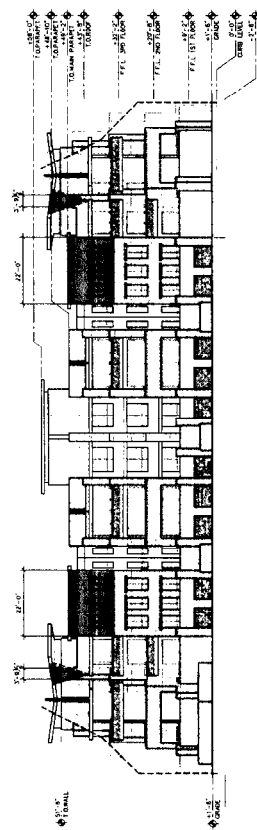
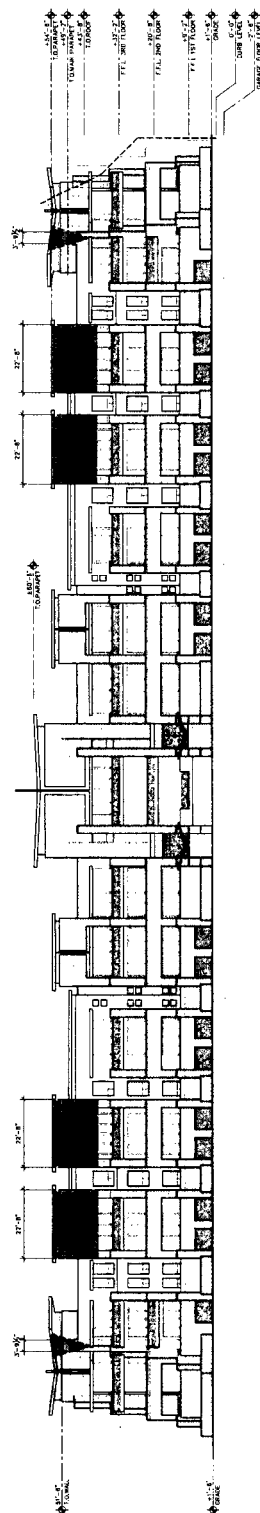
**PBD Definition:** A plan for a larger parcel area which may include multiple ownerships, allowing flexibility in certain development standards, and requiring approval by City Council. A planned block development may include certain modifications to land use regulations or development standards, and shall be adopted or amended in accord with section 5.3082. [Section 5.3010]

**Inclined Stepback Plane Definition:** An imaginary plane sloping inward on the site from a specified height on the building setback, which together with the building setback and the height limit defines the allowable building envelope. [Section 5.3010]

**Allowable Encroachment into Inclined Stepback Plane:** Schedule B of Section 5.3060 states that “ A max. vertical encroachment of 15 ft. is permitted on a maximum of 25% of the length of an elevation”

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**Reason for modification:** We had to modify our original elevations to meet the Schedule B encroachment requirements. Specifically, we had to push back some top floor patio overhangs on the east and west elevations and modify four corner units slightly to fall within the 25% max. encroachment on the length of the elevations. While this was not a problem to do (and was done for the DRB Submittal), we preferred the appearance of the buildings prior to the change. Granting the additional encroachment percentage will allow us to go back to our original building elevations which we believe are more attractive with better overall building massing. Another benefit of the modification is increased balcony roof overhangs in four units affording those residents more solar protection for their unit.



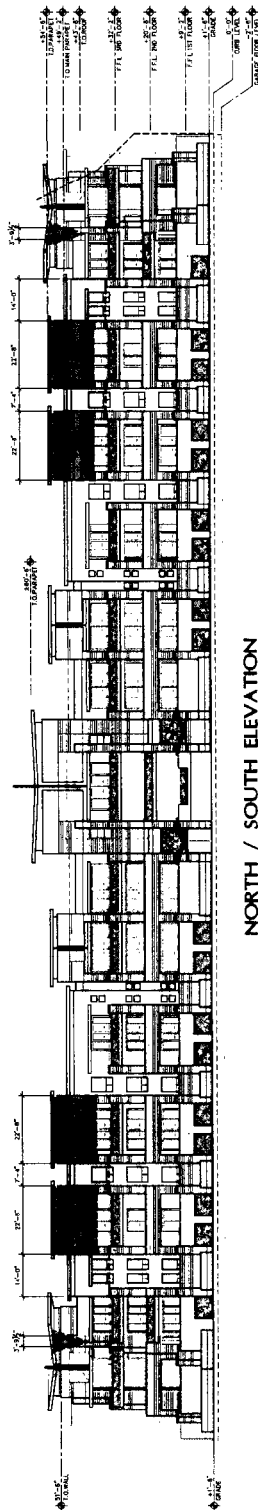
**INCLINED  
SETBACK ENCROACHMENT**

**'X' LOFTS**  
SCOTTSDALE, ARIZONA

GRACE CAPITAL, L.L.C.  
9900 E MONWOOD SQ. DR., #201  
SCOTTSDALE, AZ. 85258

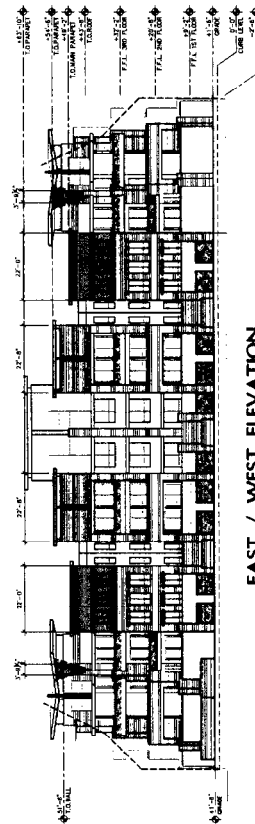
ORIS Submitted

**Architecture/Planning/Landscape Architecture**  
660 North 46th Street • Phoenix, Arizona 85018 • (602) 962-4800 • FAX (602) 952-0000  
JAN 14 • 1997 • \$5.00 • 85/75/95 • Includes Professional's Ref. for Construction

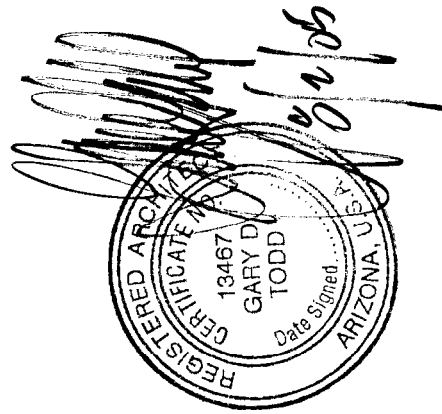


432'-0"	- 140'-11" INCLINED STEEPBACK LINE ENCROACHMENT
108'-0"	- 42'-8" ADDITIONAL REQUESTED ENCROACHMENT
140'-11"	

TOTAL LENGTH  
25% ENCROACHMENT ALLOWED  
TOTAL ENCROACHMENT = 33%  
ADDITIONAL REQUESTED ENCROACHMENT = 8%



TOTAL LENGTH	220'-10"		-	96'-11"	INCLINED STEPS/LINE ENCROACHMENT
25% ENCROACHMENT ALLOWED	55'-2"				
TOTAL ENCROACHMENT = 44%	96'-11"				
ADDITIONAL REQUESTED ENCROACHMENT = 15%			-	45'-4"	ADDITIONAL REQUESTED ENCROACHMENT



**INCLINED  
SETBACK ENCROACHMENT**  
SCALE: 1/16" = 1'-0"

**'X' LOFTS**  
**SCOTTSDALE, ARIZONA**

GRACE CAPITAL, L.L.C.  
9500 E MONWOOD SQ. DR., #201  
SCOTTSDALE, AZ 85238

**Prüfungssitzung 2003**

**Architecture/Planning/Landscape Architecture**  
c/o North 44th Street • Phoenix, Arizona 85018 • (602) 944-1100  
July 01-2000-09 Fax: (602) 944-1100

**COMMISSIONER HEITEL MOVED TO APPROVE THE INITIATION OF 13-GP-2005. COMMISSIONER HESS SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A VOTE OF 7 (SEVEN) TO 0 (ZERO).**

**EXPEDITED AGENDA**

Noting that Commissioner Schwartz had a conflict on item 5 dealing with 52-ZN-1997#4 (X Lofts) Chairman Gulino suggested dealing with that item first.

**COMMISSIONER BARNETT MOVED TO APPROVE ITEM 52-ZN-1997#4 (X LOFTS) SECONDED BY COMMISSIONER HESS. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 6 (SIX) TO 0 (ZERO), WITH COMMISSIONER SCHWARTZ RECUSING.**

Mr. Grant clarified that on 1-ZN-1999#2 (Miller Townhomes), putting a walkway in would depend upon getting additional land, because there is a wall extending beyond the businesses on the north side of both properties.

**COMMISSIONER BARNETT MOVED TO APPROVE ITEMS 1-ZN-1999#2 (MILLER TOWNHOMES), 11-UP-2005 (CATERAZ LLC CAFÉ), AND 12-UP-2005 (CATERAZ LLC CATERING). COMMISSIONER HEITEL SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY WITH A VOTE OF 7 (SEVEN) TO 0 (ZERO).**

**NON-ACTION ITEMS**

**5-GP-2005 (Camberlango Properties Inc)** request by owner for a Major General Plan Amendment of the Land Use Element from Employment to Mixed-Use Neighborhoods on a 28.61 +/- acre parcel located at 15101 N Scottsdale Road (Northeast corner of Scottsdale and Butherus Roads).

Chairman Gulino noted that Commissioner Schwartz declared a conflict on this matter.

Ms. Huish addressed the Commission, highlighting an overview of the General Plan Amendment process. Her presentation outlined the background, the current definition of a major amendment, and the City's criteria for General Plan amendments. These included change of land use, the area of change, the acreage of change, overriding incentives, character area, waste/wastewater infrastructure criteria. She noted that this meeting was the remote hearing required by the State statute. This addresses only the General Plan amendments, not any associated zoning cases. Members of the public have an opportunity to express their opinions and the Commission has the opportunity to hear what public concerns are. No formal vote would be taken on non-action items at tonight's remote hearing.

The public hearing is scheduled for September 28, 2005. The Council public hearing is October 24, 2005. Zoning cases, should there be any concurrent cases, will likely be heard at that time.

Mr. Cummins gave a staff report with a slide presentation, explaining the effect of changing the land use. This would allow for more growth in the area than the existing zoning. The mixed use would potentially reduce commuter traffic since people could live and work in the same neighborhood. He noted a trend in this area of the City to denser land uses.